

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

**The Kroger Company,
Plaintiff**

-vs-

Case No. 1:02-cv-439

**Malease Food Corporation,
Defendant**

JUDGMENT

Jury Verdict.

This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that this Court's order of November 23, 2004 is VACATED. The complaint is dismissed without prejudice for lack of personal jurisdiction over defendant.

Date: March 8, 2006

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk